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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,200	08/29/2000	Cornelius Van Zon	US 000219	8637

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/650,200

Applicant(s)

VAN ZON, CORNELIUS

Examiner

Andy S. Rao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Sethuraman et al., (hereinafter referred to as "Sethuraman").

Sethuraman discloses an apparatus for use with a scalable video decoder capable of decoding an incoming scalable video bit stream and generating a baseband video signal (Sethuraman: column 8, lines 40-65), said apparatus for controlling a processing load of said scalable video decoder comprising (Sethuraman: column 9, lines 35-45): analyzer circuit capable of measuring at least one characteristic of said incoming scalable video bit stream and generating at least one video parameter associated with said at least one characteristic (Sethuraman: column 4, lines 20-25); and a processor load controller capable receiving said at least one video parameter (Sethuraman: column 9, lines 7-35) and, in response thereto, controlling a level of decoding of said incoming scalable video bit stream performed by said scalable video decoder (Sethuraman: column 9, lines 46-56), as in claim 1.

Regarding claim 2, Sethuraman discloses that said at least one video parameter indicates a level of motion of frames (Sethuraman: column 7, lines 20-53), as in the claim.

Regarding claim 3, Sethuraman discloses that said at least one video parameter indicates a level of detail of frames (Sethuraman: column 19, lines 40-50), as in the claim.

Regarding claims 4-5, Sethuraman discloses receiving a frame type parameter associated with a first frame (Sethuraman: column 4, lines 55-65), as in the claims.

Regarding claims 6-7, Sethuraman discloses receiving a source type parameter indicating a video bit stream or a film bit stream (Sethuraman: column 3, lines 35-55), as in the claims.

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Regarding claim 8, Sethuraman discloses generates at least one scale factor capable of controlling a level of decoding performed by said scalable video decoder (Sethuraman: column 6, lines 25-67), as in the claim.

Sethuraman discloses a video processing system (Sethuraman: figure 1), comprising: a buffer capable of receiving an storing scalable video bit stream (Sethuraman: column 4, lines 40-50); a scalable video decoder capable of decoding an incoming scalable video bit stream and generating a baseband video signal (Sethuraman: column 8, lines 40-65), said scalable video decoder comprising: an apparatus for controlling a processing load of said scalable video decoder comprising (Sethuraman: column 9, lines 35-45): an analyzer circuit capable of measuring at least one characteristic of said incoming scalable video bit stream and generating at least one video parameter associated with said at least one characteristic (Sethuraman: column 4, lines 20-25); and a processor load controller capable receiving said at least one video parameter (Sethuraman: column 9, lines 7-35) and, in response thereto, controlling a level of decoding of said incoming scalable video bit stream performed by said scalable video decoder (Sethuraman: column 9, lines 46-56); and a display coupled to said scalable video decoder capable of displaying said baseband video signal (Sethuraman: column 36, lines 1-10), as in claim 9.

Regarding claim 10, Sethuraman discloses that said at least one video parameter indicates a level of motion of frames (Sethuraman: column 7, lines 20-53), as in the claim.

Regarding claim 11, Sethuraman discloses that said at least one video parameter indicates a level of detail of frames (Sethuraman: column 19, lines 40-50), as in the claim.

Regarding claims 12-13, Sethuraman discloses receiving a frame type parameter associated with a first frame (Sethuraman: column 4, lines 55-65), as in the claims.

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Regarding claims 14-15, Sethuraman discloses receiving a source type parameter indicating a video bit stream or a film bit stream (Sethuraman: column 3, lines 35-55), as in the claims.

Regarding claim 16, Sethuraman discloses generates at least one scale factor capable of controlling a level of decoding performed by said scalable video decoder (Sethuraman: column 6, lines 25-67), as in the claim.

Sethuraman discloses a method for use with a scalable video decoder capable of decoding an incoming scalable video bit stream and generating a baseband video signal (Sethuraman: column 8, lines 40-65), said method for controlling a processing load of said scalable video decoder comprising the steps of (Sethuraman: column 9, lines 35-45): measuring at least one characteristic of said incoming scalable video bit stream and generating at least one video parameter associated with said at least one characteristic (Sethuraman: column 4, lines 20-25); generating at least one video parameter associated with the at least one characteristic (Sethuraman: column 9, lines 7-35); and in response to a value of the at least one video parameter controlling a level of decoding of said incoming scalable video bit stream performed by said scalable video decoder (Sethuraman: column 9, lines 46-56), as in claim 17.

Regarding claim 18, Sethuraman discloses that said at least one video parameter indicates a level of motion of frames (Sethuraman: column 7, lines 20-53), as in the claim.

Regarding claim 19, Sethuraman discloses that said at least one video parameter indicates a level of detail of frames (Sethuraman: column 19, lines 40-50), as in the claim.

Regarding claims 20-21, Sethuraman discloses receiving a frame type parameter associated with a first frame (Sethuraman: column 4, lines 55-65), as in the claims.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Radha discloses a scalable video system. Aharoni discloses a system for adaptive video/audio transport over a network.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andy S. Rao
Primary Examiner
Art Unit 2613

ANDY RAO
PRIMARY EXAMINER



asr
April 2, 2004